

JUN 5 1974

Walter B. Quisenberry, M.D.
Director of Health
Hawaii Department of Health
P.O.Box 3378
Honolulu, HI 96801

Dear Dr. Quisenberry:

This is in response to the request for NPDES program approval submitted with your letter of May 9, 1974, and the Acting Governor's letter dated May 14, 1974.

We have reviewed your request and have determined that it does not constitute a "full and complete description" of your program. The enclosed analysis has been prepared to assist you in revising your submittal so as to make it complete. In addition Mr. Richard L. O'Connell, Director of our Enforcement Division, and other EPA representatives will be in Honolulu on June 18th and 19th to provide further assistance to your staff in the preparation of a complete and, hopefully, approvable request for NPDES program approval.

We will look forward to receiving your revised and complete request soon after that meeting.

Sincerely,

Paul De Falco, Jr.
Regional Administrator

Enclosure:

Analysis

cc:

Richard E. Marland

bcc:

PIBO
DAA Wtr.Enf. Mail Code EG 335
S/A

RLO'Connell: A/W *w/ end* FILE #PEA-4 815.4
eg Reg.Counsel *w/ end* CONCURRENCES

SYN							
SURNAME							
DATE							

REVIEW FOR COMPLETENESS OF
STATE OF HAWAII NPDES PERMIT PROGRAM SUBMISSION
dated May 14, 1974

Section 402(b) of the Federal Water Pollution Control Act (FWPCA) requires the State to submit to the Administrator a full and complete description of the program it proposes to establish under State law; Section 402(c) requires that the State program conform with guidelines issued under Section 304(h)(2) of the Act (40 CFR 124). Additional guidance as to the content of the program description is outlined in Part B of "Instructions Environmental Protection Agency Procedures for the Receipt and Review of State Permit Program Submission for Participation in the National Pollutant Discharge Elimination System under Section 402 of the Federal Water Pollution Control Act."

The State of Hawaii submittal, to date, includes the following elements:

- (1) NPDES Permit Processing Flow Chart
- (2) Manpower to Implement NPDES
- (3) Available Funds to Implement NPDES
- (4) Estimated Costs for Implementing NPDES
- (5) Inventory of Discharges (Municipal, Industrial, Agricultural)
- (6) Proposed Organization Charts and Function Statements for the Environmental Health Division
- (7) Governor's Request for NPDES Permit Program Approval
- (8) Attorney General's Statement
- (9) State Water Pollution Control Regulation (Chapter 37 of Public Health Regulations, Department of Health)

The application for program approval should be a self-sufficient document which upon review by a concerned person will enable him to comment intelligently at the public hearing as to his views on the appropriateness of program approval by the Administrator.

The program approval submittal requires a full and complete description of the program the State proposes to operate. The program description must include the following functions and must specify the organizational unit responsible for the execution of the functions. Organization charts, unit functional statements, manpower and funding information, priorities for permit issuance, data management, and permit processing charts should be used, in the program description, to more completely describe the program operation.

A. Permit Application Management

1. Distribution of program information and permit application requirements (attach representative form letters)
2. Receipt of applications
 - (a) Review for completeness and determination of need for additional information (attach form letters)
 - (b) Application accounting
 - (c) Financial management of filing fees
 - (d) Acknowledgement to the applicant of receipt of completed application (attach form letters)
 - (e) Entry of application data into GPSF
 - (f) Provision for security of classified information
 - (g) Procedures for obtaining legal interpretations of permit application requirements
 - (h) Accomplishment plan
 - (1) Reissuance of EPA-issued NPDES permits
 - (2) High priority applications, such as new sources, major dischargers, and dischargers located in priority basins.

*forward cc
critique sheet
send cc of cover
appl. accounting
and cc of cover
form letters*

- (3) Revisions to permits
- (4) Action on outstanding State permits
- (i) Procedures to ensure compliance of applicants with the State environmental quality act
- 3. Identification of dischargers who have failed to apply (non-filers)
 - (a) Procedure for non-filer accounting
 - (b) Notification of filing requirements (attach form letters, including first and second notification letters)
 - (c) Verification of discharge
 - (d) Referral of non-filer for appropriate legal action
- B. Development of Draft Permits
 - 1. General conditions (attach standard conditions)
 - 2. Special conditions (attach example conditions)
 - (a) Effluent limitations
 - (1) Interim
 - (2) Final
 - (b) Monitoring requirements (attach guidelines)
 - (c) Implementation schedule
 - (d) Reporting requirements
 - (e) Other special conditions
 - 3. Field inspection of permit applicants' facilities (as needed)
 - 4. Maintenance of expertise on guidelines for BPCTCA, BATEA, BADCT, pretreatment, toxic standards, etc.

*send Bill
+ Ag/leg
giving permit*

5. Internal review of draft permit
 - (a) Wasteload allocation and water quality standards
 - (b) Basin plans
 - (c) Review of permit conditions for legal content
6. Review of draft permit by EPA
7. Review of draft permit with applicant
- C. Public Notice of Proposed Permit
 1. Preparation of public notice (attach standard format)
 2. Mailing lists for other State agencies, other Federal agencies, local agencies, and interested persons
 3. Fact sheet (attach example)
 4. Review of comment
 5. Re-notice procedure, if substantive change in permit results from public notice (attach criteria for determining substantive change)
 6. Schedule public hearing if significant public interest is expressed
- D. Public Hearing
 1. Define criteria for determining need for public hearing
 2. Public notice of public hearing (attach example)
 3. Mailing lists
- E. Permit Issuance
 1. Internal review and concurrence

2. Procedure for obtaining concurrence by EPA, if required
3. Notification and distribution of issued permit
4. Entry of permit conditions into GPSF
5. Procedures for appeal of permit conditions

F. Compliance Monitoring of Permit

1. Review of compliance with permit conditions for reporting, effluent limitations, implementation schedule, and other conditions (attach check lists and copy of monitoring report forms)
2. Provision for data input to GPSF
3. Compliance monitoring of discharge
 - (a) Site inspection
 - (b) Effluent sampling and analysis (including field and laboratory equipment and capability available)
 - (c) Data input to GPSF
4. Notification of permittee of non-compliance (Attach guidelines and standard letters)
5. Verification of non-compliance
6. Enforcement guidelines identifying appropriate actions according to severity of non-compliance

*and attach
monitoring report
form.*

G. Enforcement Procedures for Non-Compliance

1. Procedures for Case Development (including legal assistance)
2. Procedures for Case Referral (include any Memos of agreement with Office of Attorney General or guidelines issued by that office)

H. Federal Facilities

1. Procedures for review and comment on draft permits prepared by EPA
2. Compliance monitoring procedures for federal facilities, in cooperation with EPA.
3. Procedure for referral of permit violation to EPA.

Manpower to Implement NPDES

1. Specify organizational unit for each position.
2. Identify vacancies and dates when vacancies will be filled.
3. Upon receiving NPDES permit program approval, what impact will assignment of these staff to NPDES have on other programs?
4. Manpower assigned to NPDES permit issuance or compliance does not provide for staffing at supervisory level.
5. Pay scales appear to be inadequate and may interfere with obtaining and retaining qualified professional staff.
6. Three non-professional man-years distributed among 9 individuals is inadequate for inspections, sampling, review of self monitoring data, non-filer investigations and case preparation.
7. Clerical support of 1.5 people will be inadequate for issuing outstanding permits and reissuance of EPA permits. No clerical support is shown in the Pollution Investigation and Enforcement Branch.
8. No evidence is presented that indicates staff have sufficient expertise and experience as required by 40 CFR 124.91.

9. The need for man-power, assigned to the Department of Health under the Intergovernmental Personnel Act (IPA), and the assignment of these staff should be shown.

Functional Statements

1. Present functional statements do not include expanded responsibilities of the NPDES permit program. They should be revised to provide for operation of the
2. NPDES permit program.
2. Functional statements should clearly indicate organizational units responsible for specific functions of the NPDES permit program.
3. Functional statements should define the relationship between the Governor, the Director of the Department of Health, and any other State agencies having responsibilities for water quality management and/or water pollution control.

Permit Processing Flow Charts

The chart should be expanded to more fully show the inter-relationship of the functions in permit application processing, issuance, and compliance management.

Members of Boards Approving NPDES Permit Issuances

To preclude conflict of interest, in accord with 40 CFR 124.94, names of Board members, or members of authorities having similar responsibilities for approval of permit issuance, should be identified and certified as to compliance. A negative declaration may be appropriate.

Statute and Regulations

The submittal, to be complete, must include three copies of all applicable State statutes and regulations.

Planning

Include evidence of EPA approval of States continuing planning process (section 303e FWPCA).

C. 124.94

Other

1. Several functions, outlined previously, require the entry of data into the General Point Source File (GPSF), also referred to as the National Data Bank. The software is substantially completed and computer capacity is available for data management, through EPA. The use of this type of support capability is essential to the compliance management function, in consideration of the large amount of information which will be received via the NPDES permits. The State must have a data management capability for entry and retrieval of data, either directly by State terminals or via EPA operated terminals.
2. Laboratory program
 - a. Describe program function and capability in terms of analytical capability and capacity.
 - b. Define procurement requirements and indicate availability of resources needed to purchase equipment for laboratory and field monitoring support.
3. Accomplishment plan
 - a. Define general six-month work plan.
 - b. Develop procedures for monthly commitment and progress reporting:
 - (1) Permit issuances and re-issuances
 - (2) Compliance monitoring evaluations
 - (3) Site surveys (walk-throughs)
 - c. Progress reporting
 - (1) Report of monthly accomplishments
 - (2) Development of monthly commitment for succeeding month
 - (3) Quarterly non-compliance report [40 CFR 124.44(d)]
 - d. Quarterly up-date of six-month plan